

MATERIAL LIST FOR
AUGUST 11, 2014
COUNCIL AGENDA PACKETS

1. Copy of Agenda for the Regular Council meeting of August 25, 2014.
2. Copy of Town Manager's report to Council.
3. Copy of minutes from both the August 11th, 2014 Regular Council Meeting and the August 11th Special Meeting.
4. Copy of Special Activity /Amusement Permit from Delta Amusement Inc. for Navy Yard Bar & Billiard, 182 State Road.
5. Copy of Councilor Dennett's memo with proposed amendment to the Town Charter – Sec. 1.05, Qualifications for Municipal Office.
6. Copy of check from York Hospital for scholarships for Kittery Recreation programs in the amount of \$9,250.
7. Copy of application from Delta Amusement Inc. for a Malt, Spirituous and Vinous liquor license for Navy Yard Bar & Billiard.



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOP 6:00 P.M.

The Town Council will meet with the Parks Commission and Town Manager to discuss the Fort Foster Management Plan.

August 25, 2014

Kittery Town Council
Regular Meeting Agenda
7:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes - 8/11/14
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARING
 - a. (080314-1) The Kittery Town Council moves to hold a public hearing on the renewal application of Delta Amusement, Inc., 182 State Road, Kittery for a Special Activity Amusement Permit for Navy Yard Bar & Billiard, 182 State Road.
 - b. (080314-2) The Kittery Town Council moves to hold a public hearing on a proposed amendment to the Town Charter, Section 1.05 Qualifications for municipal office.
 - c. (080314-3) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter, to transfer appropriations between accounts and carry forward requests.

ORG	ACCOUNT	BALANCE TRANSFERS		ORG	ACCOUNT	BALANCE TRANSFERS
101930	RESOURCE RECOVERY CENTER	\$ (7,915.00)	TO	101310	POLICE	\$ 7,915.00
101930	RESOURCE RECOVERY CENTER	\$ (3,750.00)	TO	101320	FIRE	\$ 3,750.00
101930	RESOURCE RECOVERY CENTER	\$ (8,930.00)	TO	101330	STREET LIGHTS	\$ 8,930.00
101110	ADMINISTRATION	\$ (16,010.00)	TO	101721	PLANNING	\$ 16,010.00
101930	RESOURCE RECOVERY CENTER	\$ (53,000.00)	TO	101410	HIGHWAY	\$ 53,000.00
101230	DEBT SERVICE	\$ (2,000.00)	TO	101740	MISC ACCOUNTS	\$ 6,350.00
103000	OTHER INSURANCES	\$ (10,450.00)	TO	101740	MISC ACCOUNTS	\$ 6,100.00
103000	OTHER INSURANCES	\$ (3,410.00)	TO	101840	PORT AUTHORITY	\$ 3,410.00
101930	RESOURCE RECOVERY CENTER	\$ (40,125.00)	TO	101830	RECREATION	\$ 40,125.00
101110	ADMINISTRATION	\$ (540.00)	TO	101520	WELFARE	\$ 540.00
101115	COUNCIL	\$ (3,475.00)	TO	101520	WELFARE	\$ 3,475.00
101130	ELECTIONS	\$ (1,953.00)	TO	101520	WELFARE	\$ 1,953.00
101210	ASSESSING	\$ (3,000.00)	TO	101520	WELFARE	\$ 3,000.00
101230	DEBT SERVICE	\$ (610.00)	TO	101520	WELFARE	\$ 610.00
101350	CIVIL EMERGENCY	\$ (62.11)	TO	101520	WELFARE	\$ 62.11
101540	COMMUNITY AGENCIES	\$ (1,714.00)	TO	101520	WELFARE	\$ 1,714.00
101710	CODE ENFORCEMENT	\$ (655.00)	TO	101520	WELFARE	\$ 655.00
101730	IN TOWN PARKS	\$ (888.00)	TO	101520	WELFARE	\$ 888.00
101350	CIVIL EMERGENCY	\$ (97.89)	TO	101520	WELFARE	\$ 97.89
101210	ASSESSING	\$ (1,090.00)	TO	101520	WELFARE	\$ 1,090.00
101230	DEBT SERVICE	\$ (13,000.00)	TO	101520	WELFARE	\$ 13,000.00
101930	RESOURCE RECOVERY CENTER	\$ (33,185.01)	TO	101520	WELFARE	\$ 33,185.01
101730	IN TOWN PARKS	\$ (121,002.00)	TO	101735	FT FOSTER / SEAPOINT / CRESCENT	\$ 121,002.00
	Transfers to Special Revenue Funds					
101340	HYDRANT RENTALS	\$ (2,100.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 2,100.00
101350	CIVIL EMERGENCY	\$ (1,190.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 1,190.00
101710	CODE ENFORCEMENT	\$ (200.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 200.00
101720	PLANNING BOARD & BOA	\$ (1,560.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 1,560.00
101730	IN TOWN PARKS	\$ (26,764.71)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 26,764.74
101750	BANK FEES	\$ (500.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 500.00
101930	RESOURCE RECOVERY CENTER	\$ (1,755.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 1,755.00
103000	OTHER INSURANCES	\$ (3,040.00)	TO	2015	OTHER FUNDS - BANK LEASES	\$ 3,040.00
	Carry Forward					
101130	ELECTIONS	\$ 1,115.00				
	Carry Forward & Transfer					
101740	MISC. ACCOUNTS	\$ 2,000.00	transfer to	101721	PLANNING	\$ 2,000.00

11. DISCUSSION

- Discussion by members of the public (three minutes per person)
- Response to public comment directed to a particular Councilor
- Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(080314-4) The Kittery Town Council moves to accept a check in the amount of \$9,250 from York Hospital, for Recreation Programs, to be deposited in account #5003-43600 York Hospital Scholarships.

b. (080314-5) The Kittery Town Council moves to release \$35,513.09 from unassigned funds, as approved by the voters on the June 11, 2013 Secret Ballot, to cover the overage in that budget.

c. (080314-6) The Kittery Town Council moves to approve a renewal application from Delta Amusement, Inc., 182 State Road, Kittery for a Malt, Spirituous and Vinous Liquor License for Navy Yard Bar & Billiard, 182 State Road.

d. (080314-7) The Kittery Town Council moves to give approval for the Charity Defense Council to use Memorial Field on June 25th (8am-5pm) and the 26th (4:30pm-12pm), 2015, for the Charity Defense Council March. In addition they are requesting that any fees be waived for such use.

e. (080314-8) The Kittery Town Council moves to approve the disbursement warrants.

f. (080314-9) The Town Council moves to discuss its upcoming workshop on September 15th with the Kittery Port Authority.

g. (090314-10) The Kittery Town Council moves to schedule a public hearing on a proposed amendment to Title 2 Administration and Personnel, Chapter 2.3 Personnel System Generally.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION:

17. ADJOURNMENT



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council August 25, 2014

1. **Parking Enforcement at Seapoint Beach** – I have asked the Police Chief to put greater emphasis on parking enforcement at Seapoint. As of mid-August, the PD had issued 75 tickets for cars without a dump sticker, which was ahead of 2012 totals, but roughly ½ of those issued in 2013. He is aware of the problem, and will commit his resources to this effort as they are available.
2. **Speeding on State Road** – I met with a resident of State Road who is concerned about speeding and traffic noise. The Police Department has scheduled the speed trailer to be placed on State for the week. Per the Chief, speeding is one of the top complaints the Police receive during the summer months, and they are working on this problem throughout Town. The 25 mph speed limit sign on Badgers Island has been replaced.

The Department has made over 1,000 stops for speeding this year, with roughly 15% of those resulting in tickets issued.
3. **Invasive Species** – We have been in contact with a representative from the Rachel Carson preserve who has offered us assistance in identifying and controlling invasive species in Town. We will be coordinating a time to train our parks and public works staff in this arena.
4. **Harbormaster Boat for Sale** – The original solicitation for bids to purchase the Harbormaster boat was not successful. We have re-posted its availability, and are accepting bids until September 15th. The minimum bid is \$6,000.
5. **Rice Public Library (RPL)**: Director Lee Perkins provided me with their meeting room policy update, approved on August 19, 2014:

“The Library Meeting Rooms’ primary purpose is to provide space for library functions. After library needs are met, the Meeting Rooms are available for use by local non-profit, civic, cultural, educational, recreational and community oriented groups. No library campus property may be used for religious or political campaign activities. Associated signage is also prohibited. Elected political officials may meet with their constituents with the library’s prior approval if space is available.”

6. **Kittery Land Trust (KLT) Annual Meeting:** I will be speaking at the KLT's annual meeting on September 7th at Fort Foster.

If you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Nancy Colbert Puff". The signature is fluid and cursive, with the first name "Nancy" being more legible than the last name "Colbert Puff".

Nancy Colbert Puff

1 August 11, 2014

2 Kittery Town Council
3 Requested by Chairperson Jeffrey Thomson
4 Special Meeting Agenda
5

Council Chambers

6 1. Call to Order: Chairperson Thomson opened the meeting at 6:00 p.m.
7

8 2. Introductory: Chairperson Thomson read the introductory.
9

10 3. Pledge of Allegiance: Chairperson Thomson led those present in the Pledge of
11 Allegiance.
12

13 4. Roll Call: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey
14 Pelletier, Judith Spiller, Jeffery Brake and Chairperson Jeffrey Thomson.
15

16 5. EXECUTIVE SESSIONS
17

18 a. (080114-1) The Kittery Town Council moves to go into Executive Session with the
19 Town Attorney and Town Manager, in accordance with 1 M.R.S. §405 (6) (E), to discuss
20 dilapidated buildings.
21

22 **IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR**
23 **SPILLER TO GO INTO EXECUTIVE SESSION AT 6:02 P.M. ROLL CALL VOTE WAS**
24 **TAKEN WITH ALL VOTING FAVOR. MOTION PASSES 6-0.**
25

26 b. (080114-2) The Kittery Town Council moves to go into Executive Session with the
27 Town Manager, in accordance with 1 M.R.S. §405 (6) (D), to receive an update on labor
28 contract negotiations.
29

30 **IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR**
31 **SPILLER TO GO INTO EXECUTIVE SESSION AT 6:03 P.M. ROLL CALL VOTE WAS**
32 **TAKEN WITH ALL VOTING FAVOR. MOTION PASSES 6-0.**
33

34 **IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY COUNCILOR**
35 **BRAKE TO COME OUT OF EXECUTIVE SESSION AT 6:55 P.M. ROLL CALL VOTE WAS**
36 **TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSES 6-0.**
37

38 6. ADJOURNMENT
39

40 **IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY COUNCILOR**
41 **SPILLER TO ADJOURN THE MEETING AT 6:56 P.M. ALL WERE IN FAVOR BY A VOICE**
42 **VOTE.**
43

44 /bb

UNAPPROVED MINUTES

August 11, 2014

Kittery Town Council
Regular Meeting

Council Chambers

1. CALL TO ORDER: The meeting was called to order at 7 o'clock by Chairperson Thomson.

2. INTRODUCTORY: Chairperson Thomson read the introductory.

3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.

4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Russell White, Judith Spiller, Jeffery Brake and Chairperson Jeffrey Thomson.

5. AGENDA AMENDMENT AND ADOPTION:

Chairperson Thomson declared the agenda accepted as presented.

6. TOWN MANAGER'S REPORT:

Town Manager Colbert Puff said she signed the second contract with Penta Corporation of Moultonboro, New Hampshire for the sewer infrastructure project in the amount of \$2,864,500 and that the work should be completed by next May. She said this project has to do with the existing pump station and Wastewater Treatment facility.

Town Manager Colbert Puff said the Public Works Dept. had two bid openings on July 24th, one was to purchase a new Backhoe/Loader and the other was the sale of the used Backhoe/Loader. The bid for the purchase of a new loader was awarded to Southworth-Milton in the amount of \$103,000 and the bid for the purchase of the used loader was awarded to Dean Jordan in the amount of \$32,001.

Town Manager Colbert Puff reported that, in response to Council's concern about the Rte. 1 By-pass bridge replacement project and not enough traffic control, the contractor has hired a police officer to monitor the situation from 10:00 a.m. until 3:00 p.m., which was effective last Saturday.

As a reminder, Town Manager Colbert Puff said that Route 236 will be closed until 1:00 p.m. tomorrow.

Town Manager Colbert Puff said that the town has received a Seacoast Energy Initiative grant to the Kittery Community Center for the replacement of the boiler. She said that the Town of South Berwick opened the bids and the installation was awarded to the low bidder, W.H. Demmons. She said the two bids that were received are well over the projected estimate and they will have to use not only the funding from the grant, but also a large portion of the funds will have to be allocated from the 2015 Capital Improvement Program appropriation.

Town Manager Colbert Puff said that, in response to the issue of truck traffic using Rogers Road as an alternative to Route 1 and Walker Street to access the Shipyard, Mr. Timothy Soucie, Region 1 Traffic Engineer from MDOT did come down to evaluate the situation and looked at Rogers Road. She said she included the letter in Council's packet from Mr. Soucie, which was addressed to Chief Short, which basically stated he did not notice any areas on Rogers Road where commercial vehicles would pose a significant safety risk that would warrant reassigning the roadway.

UNAPPROVED MINUTES

Town Manager Colbert Puff stated that the Town received a dividend check from Maine Municipal Association for the Workers Comp. fund in the amount of \$12,951 because of our good loss experience and loss prevention programs. She thanked the Safety Committee for auditing and improving performance.

Town Manager Colbert Puff said that Lee Perkins, Rice Public Library Director, will be providing her with the adopted change to their policy on Meeting rooms, once the minutes have been approved and she will report back to Council.

Town Manager Colbert Puff said she will be attending the Maine Town and City Managers Association Conference August 13th and 14th.

Town Manager Colbert Puff said that Councilor Brake had brought up a concern with the Shipyard traffic and the Memorial circle and the problem with emergency vehicles. She cited an example that happened recently where the Police Chief and Fire Chief had to close it for public safety purposes.

Town Manager Colbert Puff said she received an update from FB Environmental Associates and they will be reporting on how water sampling at Spruce Creek is related to the on-going (Sewer) work to identify any sources of contamination in Admiralty Village.

7. ACCEPTANCE OF PREVIOUS MINUTES:

Chairperson Thomson declared the minutes of the July 28, 2014 Regular Meeting accepted as amended.

8. Chairperson Thomson said Council had no interviews this evening for the Board of Appeals or Planning Board.

9. Chairperson Thomson noted that Bill Stockmeyer and Joseph Cuetara were present and read:

a. The Kittery Town Council moves to adopt the resolution entitled "Resolution authorizing Issuance of Bonds and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$4,403,500 to Fund Sewer Infrastructure Capital Improvement Projects."

CHAIRPERSON THOMSON MOVED THAT THE COUNCIL ADOPT THE RESOLUTION ENTITLED, "RESOLUTION AUTHORIZING ISSUANCE OF BONDS, AND TEMPORARY NOTES IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$4,403,500 TO FUND SEWER INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECTS." SECONDED BY COUNCILOR WHITE.

Chairperson Thomson asked Mr. Stockmeyer and Mr. Cuetara if they had anything to add that would assist Council in their deliberations this evening.

Mr. Stockmeyer approached the podium and introduced himself, saying he was Bond Counsel from Drummond & Woodsum and that this was a follow-up to what was previously enacted by Council. He said the next resolution is the same. Mr. Stockmeyer said he thought Mr. Cuetara would speak to the third item (9c) as to what the next steps on financing would be, and he could give Council more specific details.

Chairperson Thomson said this item is a follow up to a public hearing held by Council on March 25, 2013 and was approved by the town voters on June 11, 2013. There was no other discussion.

UNAPPROVED MINUTES

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSES 7-0.

b. The Kittery Town Council moves to adopt the resolution entitled "Resolution authorizing Issuance of Bonds and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$7,586,825 to Fund Sewer Extension Project."

CHAIRPERSON THOMSON MOVED THAT THE COUNCIL ADOPT THE RESOLUTION ENTITLED, "RESOLUTION AUTHORIZING ISSUANCE OF BONDS, AND TEMPORARY NOTES IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$7,586,525 TO FUND SEWER EXTENSION PROJECT." SECONDED BY COUNCILOR WHITE

Chairperson Thomson said this item is also a follow-up to the public hearing held on March 25, 2013 and was approved by the Town voters on June 11, 2013 for the sewer extension project.

Councilor Dennett said since he had voted against it originally, he will have to keep face and vote against the financing.

ROLL CALL VOTE WAS TAKEN. MOTION PASSED 6-1 (WITH COUNCILOR DENNETT VOTING IN OPPOSITION).

c. The Kittery Town Council, pursuant to the Sewer Infrastructure Capital Improvement and Sewer Extension Projects Resolutions adopted at this meeting, moves to approve the plan of financing presented by the Town's financial advisor and authorizes town officials and the financial advisor to proceed with the issuance of Bond Anticipation Notes for those Projects in the aggregate principal amount of not more than \$9,000,000.

CHAIRPERSON THOMSON MOVED APPROVAL OF THE PLAN OF FINANCING, SECONDED BY COUNCILOR BRAKE.

Mr. Cuetara took the podium and said he is from Moors & Cabot and handles the financing for the Town bonds. He said he was approached last July for funding for the project and was able to get an interest rate of 0.34% for one year to borrow the money. He said he provided a draft of the Notice of Sale, Cash Flow and Chronology of the Bond Anticipation Notes. He said it will be scrutinized by Councilor Dennett.

Mr. Cuetara said the bid proposals for the sale of the notes will be opened on August 27th and they will mature on September 15th 2015. He said typically they issue enough Bond Anticipation Notes for roll-over of the bonds maturity plus one or two years, projected to be excellent and that \$8,974 is the amount of the drawer on October 15th.

Mr. Cuetara said he is recommending \$9,000,000 – with \$2.5 million dollars in new funding. He said that in October 2015, the third round of Bond Anticipation Notes will allow the town to borrow what they need so they don't pay interest on what they do not need. He said they will not provide financing until the project is in service and keep that rate this year.

Mr. Cuetara said he has prepared the notice of sale to respective bidders which will go out tomorrow since August 27th the sale starts and closes on September 27th so the town will have future money to pay for the project.

UNAPPROVED MINUTES

Councilor Dennett asked who was the second on the motion. Chairperson Thomson replied Councilor Brake. Councilor Dennett said he will abstain on this vote.

ROLL CALL VOTE WAS TAKEN. MOTION PASSED 6-0-1, WITH COUNCILOR DENNETT ABSTAINING.

10. PUBLIC HEARING:

11. DISCUSSION:

a. Discussion by members of the public:

James Forbes, 4 Bond Road, Kittery Point came to the podium and offered his appreciation to the Council and Board and Committee members who unselfishly serve the community.

Mr. Forbes spoke to the recent decision by the Port Authority to close the piers for squid fishing, which the State statute does not give them authority to do. He said if the Port Authority were to close the docks for specific activities, it would mean for all fishing, which would also include lobsters besides squid.

Mr. Forbes believed that this decision was precipitated by one man's over-reaction to an incident that happened on July 30th.

Mr. Forbes said the squid fishermen come to the docks when the tourists are gone and are amazingly peaceful. He said as much as possible they keep the ink (from the squid) in their buckets. He said this causes less wear and tear on the dock than the lobster traps and that the lobstermen make more of a mess than the squid fishermen.

Mr. Forbes said the "squidders" are also licensed fishermen who have a right to use the dock.

Mr. Forbes said reading the comments made by Board members in the minutes reflect a "good ol' boy attitude" bordering on being racist, in his opinion.

Mr. Forbes said he applauds the Harbor Master because he found the toilet facilities at the pier closed and they were open this morning. He said the pier is a public facility and it should be open. He also noted that the hose for squidders was not there.

Mr. Forbes said that in his opinion, Kelly Philbrook is the only sane member on the Port Authority who speaks up for the fishermen and they all need to be reminded of that. Mr. Forbes said they need to replace the sign that says "No Squid" with "If you make the mess, clean up the mess" and to make sure the hose is there.

Susan Johnson encourages the Town to provide hearing devices for residents who are hard of hearing so they can hear what is being said at meetings. She said many Chambers have at least two, but Kittery does not provide any for the hearing impaired. She implored Council to make all citizens welcome by making these devices available.

Ms. Johnson went on to say that she has been a resident of the town for 35 years and has written the Council with questions, suggestions, ideas, comments and complaints and has never received a response. She said when she calls the Town Hall, she has to leave a voice mail message, which she

UNAPPROVED MINUTES

has done several times – but does not get a call back. She wondered if this is happening to other residents or is she being singled out.

Ms. Johnson said she had sent a report to Council along with photos of the grease sludge that was leaking into the River from the steel rails on the Memorial Bridge, and since she pointed that out, they removed the white gauze and replaced it with silver buckets with holes. Ms. Johnson said they should keep the river clean and thought that was not an adequate solution to the problem.

Ms. Johnson also noted that the bike paths on the Memorial Bridge should be painted a blue/green color to make it safer for both the bicyclists and the motorists. She also thought there should be a white line that divides the path from the lane and wondered why the bike logo is painted on the travel lane as you are leaving Portsmouth. She wanted to know if the Town Council or Manager could look into that.

Robert McDonough, 48 Old Post Road said he has had an issue with the dilapidated building and property that had a dangerous fire. He said he has lodged several formal complaints with dates and is concerned about the safety of the structure as well as property values.

Mr. McDonough said he has called the Police Department and the Code Enforcement Officer but has not gotten a response and this has been going on for five years. He said he has no problem with the small businesses that are there, just with the treatment of the property and the disregard for the public, leaving it in the condition it is.

Bob Harris of Kittery again stated his concern about the traffic lights on Haley Road and Route 1. He said there are 2, only one is a turning lane and one should have an arrow, as many times, people are driving through when there is not a lane there. He said it is a no brainer and should not take much to fix this issue.

Milton Hall said there are no speed limit signs on Badgers Island, coming across the Memorial Bridge and there is a cop sitting there. He said if he gets stopped and there is no sign coming this way, what does he tell him?

Mr. Hall wanted to know what happened to the planks on the Rte. 1 Bypass by Spruce Creek. He said they took them out for one year, but he thought they would be put back. He wanted to know the status.

Mr. Hall wanted to know when Council has a re-appointment like Barry Bush, shouldn't there be an interview with that.

c. Chairperson's response to public comments:

Chairperson Thomson addressed Mr. Forbes and said he would get an answer for him on the squid issue at the town pier.

Chairperson Thomson acknowledged that Council has received her correspondence and asked the Town Manager about the hearing devices.

Town Manager Colbert Puff said she has researched the devices and is looking into getting some.

Town Manager Colbert Puff said she had forwarded Ms. Johnson's comments on the oil to the engineer involved with the Memorial Bridge project and will follow up.

UNAPPROVED MINUTES

Chairperson Thomson addressed Ms. Johnson and said that regarding the striping line, this project was between two states and they cannot control what color they use or where the bike logo should go.

Town Manager Colbert Puff said the bike logo is on the lane to indicate there is no bike lane and at that point they are sharing the road with the motorists.

Chairperson Thomson thanked Mr. Harris for his suggestion and asked the Manager to contact MDOT about the traffic lights.

Chairperson Thomson addressed Mr. Hall and said that it was possibly an oversight and that the Speed Limit sign that was on Badger's Island was not put back. He said he did not know what to tell Mr. Hall about Spruce Creek.

Councilor Spiller said the Spruce Creek Committee removed them and the Manager should follow up with that Board.

Chairperson Thomson addressed Mr. McDonough and said that he shares his pain. He added that this process had begun in February 1985 and there was a court order issued. He said this (dilapidated buildings and property) was a subject of discussion in tonight's Executive Session and the Town Attorney will pursue this matter.

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS:

a. Donations/gifts received for Council disposition

b. (080214-1) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Thomson read the amounts for the Town Accounts Payable, the Sewer Dept. and the School payables, for a grand total of \$713,605.90 and asked for a motion.

COUNCILOR SPILLER MOVED APPROVAL OF THE DISBURSEMENT WARRANTS IN THE AMOUNT OF \$713,605.90, SECONDED BY COUNCILOR BRAKE.

Councilor Dennett asked the Chair if he wanted to know if they were reviewed and found to be in order.

Chairperson Thomson asked Councilor Dennett if he had reviewed the Town Warrants and found them to be in the proper format for payment.

Councilor Dennett replied yes. Chairperson Thomson said he reviewed the School's and they were okay.

ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

c. (080214-2) The Kittery Town Council moves to appoint Jean Treacy to the Shellfish Conservation Committee, as a regular member until April 1, 2015.

Chairperson Thomson said the interview had been done by Councilor White.

UNAPPROVED MINUTES

COUNCILOR PELLETIER MOVED JEAN TREACY'S APPOINTMENT TO THE SHELLFISH CONSERVATION COMMITTEE AS A REGULAR MEMBER UNTIL APRIL 1, 2015, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett asked Vice Chair White if he was in favor of the appointment and he replied yes and that he and Chair Dan Clapp both interviewed Ms. Treacy and recommended her appointment.

ROLL CALL VOTE WAS TAKEN AND MOTION PASSED 7-0.

d. (080214-3) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to 63 English Range Rd. LLC for property located at 9 Old Cutts Road, Kittery, Maine identified as Assessor's Tax Map 60, Lot 20-A.

Chairperson Thomson said the taxes have been paid in full on this property.

COUNCILOR SPILLER MOVED THAT COUNCIL SIGN THE RELEASE DEED, RELEASING THE TAX LIENS TO 63 ENGLISH RANGE RD. LLC FOR PROPERTY LOCATED AT 9 OLD CUTTS ROAD, KITTERY IDENTIFIED AS TAX MAP 60, LOT 20-A. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED 7-0.

e. (080214-4) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Barry Bush for his re-appointment to that board until 8/31/19.

Chairperson Thomson said that Councilor Brake is next in line.

Chairperson Thomson offered a suggestion – given that there have been some issues with the Port Authority in recent years, Council needs to start somewhere and the interview is the best chance. He said they discussed this at the last appointment. He suggested that the entire Council interview the member and the first person on the waiting list.

Councilor Spiller wanted to know if it would be at the same time.

Chairperson Thomson responded yes.

Councilor Dennett said that Council would have to change its rules which specifically state how interviews should be conducted. He said everyone has to have a fair shot and it can be done, but the rules have to be changed first.

Councilor Denault said he has heard two answers – and it has been brought to his attention that there was, and was not, information received on term limits on the Port Authority that the term cannot be extended for over 2 terms, which was done a couple of years ago.

Mr. Forbes requested to approach the dais and Chairperson Thomson agreed. He handed the Port Authority Rules and Regulations to the Town Manager. He said their rules say they cannot serve more than two years without a year in between.

Councilor Spiller corrected Mr. Forbes' statement to be two consecutive terms.

Councilor Denault said if that is the case, there is no need for an interview.

UNAPPROVED MINUTES

Mr. Forbes told Council they should watch the last two meetings of the Port Authority and they will see why he is upset. He thought it is time for a change.

Councilor Denault said he has been watching their meetings.

Councilor Spiller said at the meeting before tonight, they had a discussion on the appointment of Kelly Philbrook and she thought they wanted Bob Melanson, Port Authority Chair to meet with Council and the Port Authority members in a workshop.

Councilor Denault said he still has an issue with receiving updates from the Port Authority Chair.

Mr. Forbes said the Port Authority has a workshop scheduled this month.

Town Manager Colbert Puff said that the Port Authority may have their rules, but the Town Council is the appointing authority.

Councilor Dennett asked the Town Clerk if she could shed some light on this subject.

Maryann Place said she checked the State statute and it says Port Authority members serve five year terms. She also checked Title 4 and found nothing in there. She looked at the Port Authority Rules and Regulations and did not see anything.

Councilor Pelletier said that Council should not proceed until they meet with the Port Authority to discuss some of the issues and what needs to happen. He said with that in mind, this item should be deferred until Council has had an opportunity to meet with the Port Authority and take up appointments at a later date.

Chairperson Thomson wanted to know if Councilor Pelletier was proposing a motion to postpone action on this item. Councilor Pelletier replied yes.

Councilor White said according to 16.1.6.1, Appointment and Composition, under Port Authority, it mentions this and also on the Town website.

Councilor Pelletier asked if there was a date.

Councilor White replied no.

Councilor Spiller said under Title 16 there is a date. She said this is some recodification issue that got out of hand.

Councilor Denault asked if there were other interested applicants on the Port Authority waiting list.

Chairperson Thomson responded he was sure there are. Councilor Spiller answered yes.

Chairperson Thomson asked Councilor Dennett if this selection procedure was part of Council rules.

Councilor Dennett replied yes, it is part of their rules, which Council adopts each year. He said he does not see anything in the Port Authority Rules and Regulations (regarding term limits).

COUNCILOR PELLETIER MOVED THAT ACTION TO RE-APPOINT BARRY BUSH TO THE PORT AUTHORITY UNTIL AUGUST 31, 2019 BE POSTPONED UNTIL THE SECOND REGULAR

UNAPPROVED MINUTES

COUNCIL MEETING IN SEPTEMBER AND THAT COUNCIL SCHEDULE A WORKSHOP ON MONDAY, SEPTEMBER 8TH AT 6 O'CLOCK WITH THE PORT AUTHORITY, SECONDED BY COUNCILOR DENAULT.

ROLL CALL VOTE WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

14. COUNCILOR ISSUES OR COMMENT:

Councilor Brake – none

Councilor Spiller said, back in the Spring, at a budget workshop, the Public Works Dept. Commissioner spoke about a road management plan and wanted to know if the Manager ever received it. She said Council should look at it, since they will be discussing capital improvement projects, they should be looking at roadways.

Town Manager Colbert Puff said they will be reviewing that.

Councilor Spiller asked if anything addresses bike safety?

Town Manager Colbert Puff replied no, just pavement safety.

Councilor Spiller wanted to mention Parks, specifically Fort Foster and the Black Swallow wart, which is an invasive species and she is concerned about maintaining the adversity of this plant.

Councilor Spiller also wanted to mention parking at Seapoint Beach. She said she goes out in the evening and typically at the beach she sees two to four vehicles with out-of-state plates where there is parking for cars without stickers, but frequently, there have been vehicles with out-of-state plates.

Councilor Spiller said that on Sunday night, she met two men from Massachusetts and told them they will get ticketed for parking at the beach with no sticker. She said one of the men said they have never seen any Police Officers down there and she wanted them to monitor the situation more closely.

Councilor White said that Councilor Spiller already addressed the issue of parking at Seapoint Beach, but he wanted to bring up signs, especially moveable signs and he sent an e-mail to the Chair of the Planning Board about it, since a simple amendment to the ordinance would deal with this issue. He said that he passed on some citizen complaints to the Planning Board chair.

Councilor Dennett – none

Councilor Denault said that he gets lots of calls about speeding on State Road. He said that this is a big issue and brought up the speed trailer, which apparently is not being used. He said that the Police Department spent \$15,000 on it and used it a couple of days on Stevenson Road. He said he would like to see it used.

Councilor Denault said citizens have been complaining about calling the Municipal Office and not getting a response, so he called and did not get a response. He suggested getting rid of the automated response part of the phone system and putting a person back in the lobby.

Councilor Denault said he still hasn't seen any bids on the {Port Authority} boat and he would like to see that. He said he has not been able to find it.

UNAPPROVED MINUTES

Councilor Denault said he would like to do a review of contractors for the Municipal Office building and would like Council to discuss this in a workshop. He said he has heard from contractors who weren't able to bid at one time, but never were given the opportunity again because the same contractors are being used over and over again to do work for the town, i.e. electrical, plumbing, legal. He thought there should be a little more transparency so that the town can be assured they are getting the best bang for their buck.

Councilor Denault said Council should make sure they are watching the bid process because we have other contractors in town and they should be reviewing the pricing structure. He said he would like to see a list of bidders on the website and thought there should be an annual review. Councilor Denault said he does not want to be the only one who always brings this matter up and would like input from the other Councilors on what they think about this issue.

Councilor Denault said last week he mentioned Matt Dodge who passed away, who was a close personal friend, but he forgot to mention Martin Babcock and Megan Waldron, who also passed away and would like to offer condolences to the families.

Chairperson Thomson asked Councilor Denault if he wanted the Town Manager to do a request for bids, regarding a rate, for electrical and plumbing for the Municipal building.

Councilor Denault said that it's not just the Municipal building, it's other departments in town too, like the Recreation department. He said it seems to be the same people and we should be looking into that. He asked without overseeing this bid process, where do the prices go.

Chairperson Thomson wanted to know if this would apply to the same person doing repair work, like on the Police Department vehicles.

Councilor Denault replied yes, and maybe it would be kept in line with other contractors who could do the work. He said if we could get good quality people coming in, he thought the town should allow it and they should not be having a "forever" contract with someone for town work. He said this should include everything the town does.

Town Manager Colbert Puff thought it was a great idea and was one of her goals. She will do this for internal knowledge between the departments and she has another meeting at the end of the month and will bring this up.

Councilor Denault said they have to look at everything and maybe they could not do a bid at this time, but we should open this up to other contractors.

Chairperson Thomson said he was personally anticipating a horror show with this construction out here on Route 236 and the traffic circle, but they seem to be working at break neck speed. He thought they were doing a good job in the way it's been handled.

Chairperson Thomson reminded everyone about the Workshop on August 18th at 6 pm with the CIP Committee to discuss the infrastructure.

15. COMMITTEE AND OTHER REPORTS:

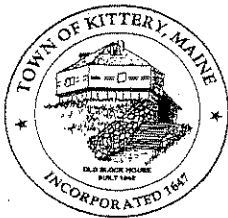
- a. Communications from the Chairperson
- b. Committee Reports - NONE

UNAPPROVED MINUTES

16. EXECUTIVE SESSION – none

17. ADJOURNMENT:

COUNCILOR SPILLER MOVED TO ADJOURN THE MEETING AT 8:10 P.M., SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSES 7-0.



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road
Kittery, Maine 03904
Phone 207-475-1328 Fax 207-439-6806

APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT
(Pursuant to 28-A M.R.S.A. Sec. 1054)

Name, address and legal status of individual(s) or entity seeking to hold permit:

Delta Amusement Inc 182 State Rd
Kittery Me.

Name and mailing address of the premises where the special activity/amusement will occur:

Navy Yard Bar + Billiards 182 State
Rd. Kittery Me.

Mailing address and telephone number of owner of the real estate: John Parsons + Son

50 Wood Bridge Rd York Me.

Describe the specific portion of the premises where the special activity/amusement will occur:

Right corner of lounge area

Set forth the specific time periods between which the special activity/amusement will occur:

Thurs thru 8:30 PM - 12:30 AM Sat thru 8:30 PM - 12:30 AM

Describe the specific activity or type of amusement for which the permit is requested:

Karaoke D.J. Dancing

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes ☐ No ☒

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

(Over)

Give any additional information to support your request for the permit sought herein:

Entertainment in Hancock Business

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: 8-5-14

SIGNATURE OF APPLICANT: Joseph F. Snyder

APPLICANT'S NAME: Joseph F Snyder
(please print)

ADDRESS: 3 Tobey St Hampton NH 03840
(please print)

TELEPHONE NUMBER: 508 331 1259

FEE: \$20.00 per year Must be renewed annually with liquor license.

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

TO: Kittery Town Council
FROM: Frank Dennett
DATE: 21 JULY 2014
RE: Possible Charter Amendment

During the past several years, Kittery has lost the opportunity to promote two qualified employees within the municipal ranks. Eliot experienced a similar problem but that was the inability to engage a new employee. All ~~xxxxx~~three position-holders would have been categorized as "municipal officials". None of the three was a Maine resident. The problems stems from Maine statute (30-A, Sec. 2526, sub-section 3) which provides, in part, that a person must be a Maine resident in order to hold municipal office.

Based solely on residency, this statutory provision has deprived two municipalities of the opportunity to engage qualified persons and there is every reason to believe that similar ills have befallen (knowingly or unknowingly) other Maine municipalities, especially those close to the New Hampshire border.

The residency requirement for municipal office appears not to have any solid foundation and Kittery voters have the power ^{to} bypass it by Charter amendment as the preamble to 30-A, Sec. 2526 states:

"Unless otherwise provided by charter, the following provisions apply to the choice and qualifications of town officials."

(See Exhibit D for full text)

Thusly, the statute recognizes that ^ecertain local conditions may exist which should supercede the law (this applies only to charter municipalities - all others are thrown under the bus!).

A sample charter amendment is attached, has been reviewed by legal counsel, and determined to be an amendment and not a change of revision. If adopted by the voters it would NOT affect the residency requirement for voting members of boards and committees as set forth in charter Sec. 2.07(2).

Council debate on this amendment is invited. If Council determines that consideration is warranted, a public hearing could be scheduled for either 11 August or 25 August with inclusion on the 4 November ballot if so voted.

Enclosures:

Exhibit A	Legal references	1 page
Exhibit B	Charter Amendment	1 page
Exhibit C	Legal opinion	1 page
EXHIBIT D	Text of 30-A, Sect. 2526, Preamble thru sub-section ⁴	1 page

LEGAL REFERENCES

"Municipal official" means any elected or appointed member of a municipal government 30-A, Sec. 2001, sub-sec. 11

The appointment of any town official or deputy must be in writing and signed by the appointing party.
30-A, Sec. 2516, sub-sec. 2

In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States 30-A, Sec. 2526, Sub-sec. 3

(Exceptions: Municipal police - 30-A, Sec. 2671, sub-sec. 1.C.
Town manager ----- 30-A, Sec. 2632, sub-sec. 2)

"Resident" and "residence" refer to a person's place of domicile 30-A, Sec. 2001, sub-sec. 16

Before assuming the duties of office, a town official or deputy shall be sworn... 30-A, sec. 2526, sub-sec. 9

Every official of the Town shall, before entering upon the duties of office, take and subscribe to the following oath of affirmation...
Kittery Charter, Sec. 12.04

Exhibit A

KITTERY TOWN CHARTER

Article I. Grant of Powers to the Town.

Sec. 1.05. Qualifications for municipal office.

Except as otherwise required by statute or charter, the
provision of Title 30-A, Section 2526, sub-section 3
requiring State residency as a qualification for municipal
office does not apply.

Possible Charter Amendment.

FRANK DENNETT
28 MAY 2014

Exhibit B

Nancy Colbert Puff

From: Duncan McEachern [DMcEachern@Shaines.com]
Sent: Monday, June 30, 2014 1:36 PM
To: Nancy Colbert Puff
Subject: Charter Change

Nancy,

I have reviewed the proposed Charter change submitted by Councilor Dennett and, in my opinion, it is properly drafted to eliminate the state statute residency requirement set out in 30-A M.R.S. sec 2526 (3). I consider this change to our Charter as being a charter amendment to be enacted through the process set out in 30-A M.R.S. sec 2104. Dealing with charter amendments.

If you need any more on this, give me a call.

Thanks,
Duncan

Duncan A. McEachern, Esq.
McEachern & Thornhill
10 Walker Street, PO Box 360
Kittery ME 03904
207-439-4881
DMcEachern@Shaines.Com

THE INFORMATION IN THIS TRANSMITTAL IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE RECIPIENT(S) LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT(S) NOR A PERSON RESPONSIBLE FOR THE DELIVERY OF THIS TRANSMITTAL TO THE INTENDED RECIPIENT(S), YOU ARE HEREBY NOTIFIED THAT ANY UNAUTHORIZED DISTRIBUTION OR COPYING OF THIS TRANSMITTAL IS PROHIBITED. IF YOU RECEIVE THIS TRANSMITTAL IN ERROR, PLEASE NOTIFY THE SENDER BY REPLY EMAIL AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE. THANK YOU.

Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
HEADING: PL 1987, c. 737, Pt. A, §2 (new)
Chapter 121: MEETINGS AND ELECTIONS
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

§2526. CHOICE AND QUALIFICATIONS OF TOWN OFFICIALS

Unless otherwise provided by charter, the following provisions apply to the choice and qualifications of town officials. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Manner of election. In a town with a population greater than 4,000, according to the last Federal Decennial Census, election shall be by plurality. Except as provided in section 2528, subsection 10, in a town with a population of 4,000 or under, election shall be by majority.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Appointment in writing. The appointment of any town official or deputy must be in writing and shall be signed by the appointing party.

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3. Qualifications. In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States.

A. In order to hold the office of selectman, a person must be a voter in the town in which that person is elected. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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4. Selectmen and overseers. The following provisions apply to selectmen and overseers.

A. A town may determine at a meeting held at least 90 days before the annual meeting whether 3, 5 or 7 will be elected to each board and their terms of office.

(1) Once the determination has been made, it stands until revoked at a meeting held at least 90 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it is for one year. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

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VENDOR: KITTERY RECREATION DEPART

YORK HOSPITAL

Gave a copy
to Maryann
for agenda
item

INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID
JULY 2014	11	9,250.00	9,250.00

Partnership

YH
Scholarship
account

MAINE YORK HOSPITAL YO

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK NO. 426461
CHECK DATE 07/15/14
VENDOR NO. 4620-K



York Hospital
15 HOSPITAL DRIVE
YORK, MAINE 03909

CHECK NO. 426461

52-7445/2112
CHECK AMOUNT
9,250.00

PAY Nine Thousand Two Hundred Fifty And 00/100 Dollars*****
TO THE KITTERY RECREATION DEPARTMENT
ORDER OF 200 ROGERS ROAD
KITTERY, ME 03904



TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



⑈426461⑈ ⑆211274450⑆ 7999031013⑈

York Hospital Scholarships
5003-43600

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 9-28-14

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)				2. Business Name (D/B/A)			
DOB:				NAVY YARD B&B Billiard			
Delta Amusement Inc DOB:							
DOB:				Location (Street Address)			
Address				182 STATE Rd			
City/Town				Kittery		State Zip Code	
182 STATE Rd				ME		03904	
City/Town				Kittery		State Zip Code	
Kittery				ME		03904	
Telephone Number				Business Telephone Number		Fax Number	
207-439 7137				207 439 7137 / 508 331259			
Federal I.D. #				Seller Certificate #			
01-0524107				1043464			

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 19,318 LIQUOR \$ 149,998

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: RAYLENE SCHURMAN

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 182 STATE Rd Kittery Me. 03904

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: DELTA AMUSEMENT INC.
Business D/B/A Name: NAVY YARD BAR & BILLIARDS
2. Date of Incorporation: 3-2-99
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Joseph E. SUGDEN	3 ToBey ST Hampton NH	1-30-54	50%	President
Anthony Borrelli	1 ALDEN Brook LN Methuen MASS	12-8-54	50%	Vice Pres.

6. What is the amount of authorized stock? 100 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES () NO.
9. If yes, please complete the following: Name: Joseph E. Sugden
Date of Conviction: 1975 Offense: Disturbing The Peace
Location: Salsbury MASS Disposition: Paid Fine
Dated at: AMESBURY MASS On: 1975 (see Attach)
City/Town Date

Joseph E. Sugden
Signature of Duly Authorized Officer

Date: 9-04-14

Joseph E. Sugden
Print Name of Duly Authorized Officer

Josep E Sugden (President)

SS[#] 017-44-8076

DOB 1-30-54

② Petty Larceny 1975 Stole a
steak (college park) North Adams MASS
continuance 6 mos. No Fine

③ DUI 1984 Amesbury MASS.

Loss of Lic. 3 months \$250 Fine

Anthony Borrelli

SS[#] 011-46-6321

DOB 12-8-54

1982 DUI continuance 6 mos.
Fine Newbury Port

1982 DUI Lost of Lic.
6 months.
Newbury Port

Rest Rooms

Exit

Kitchen Area

Storage Area

BAR



TABLES



STAIRS

STAIRS

Outside PATIO Area

Exit

DART Board Area

DART BOARD

NAVY YARD BAR + BILLIARD

ENTRANCE

POOL TABLE

POOL TABLE

POOL TABLE

POOL TABLE

POOL TABLE



NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE..... \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____

The undersigned being: ف Municipal Officers ف County Commissioners of the
 ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]
 3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.




120 Rogers Road, Kittery, ME 03904
207-439-3800 • Fax: 207-439-1780

Recreation Director/General Manager	Janice Grady
Recreation Asst Director/Asst GM	Jeremy Paul
Recreation Supervisor	Todd Henley

Memo

To: Nancy Colbert Puff, Town Manager
Kittery Town Council Members

Cc: Janice Grady, Recreation Director; Norman Albert, Commissioner of Public Works; Ted Short, Police Chief

From: Jeremy Paul, Assistant Director 

Date: August 18, 2014

Re: Request for Use of Memorial Field

Per the Town of Kittery Rules and Regulations for Field Use, the Charity Defense Council is requesting use of Memorial Field on Thursday, June 25 and Friday, June 26, 2015. In addition to the request for the field space, they are requesting that any fees be waived for such use.

Attached, please find the Rules and Regulations policy. Pending approval, they will supply the needed insurance certificate. In addition, I have attached their request for field space, information about the Charity Defense Council, as well as specific information on the walk itself.

Michelle Harper, Logistics Director for the Charity Defense Council, can be available to attend the meeting to answer any questions you may have.



TOWN OF KITTERY, MAINE

PERMIT FOR FIELD USE

NAME OF ORGANIZATION: Charity Defense Council

RESPONSIBLE PERSON: Michelle F. Harper
(NAME, ADDRESS) 222 Third St, Suite 224 Cambridge, MA 02142

PHONE NUMBERS: 617-821-8536
HOME _____ WORK _____

ALTERNATE PERSON: Cara Dowell
(NAME, ADDRESS) 222 Third St, Suite 224 Cambridge, MA 02142

PHONE NUMBERS: HOME _____ WORK 617-780-0636

FIELD REQUEST: Memorial Park 7001d Post Rd Kittery, ME

AREA: main field & parking lots on both sides

DATES & TIMES: June 25 (8am-5pm) & June 26 (4:30am-12pm) / 2015

PURPOSE OF USE: Opening ceremonies for walk

INSURANCE REQUIREMENT ☒ YES ☐ NO

We voluntarily do agree to hold harmless the Town of Kittery, Recreation and Parks Departments, and their staff in the event of any injury received by anyone while using the facilities and that we shall not attempt to make any recovery against the Town of Kittery, or employee(s). We further understand that the privilege to use this area may be revoked if there are any problems.

USER'S SIGNATURE: Michelle F. Harper DATE: 8/11/14

A copy of this permit must be in your possession while using the field.

ASST. REC DIRECTOR'S SIGNATURE: _____

APPROVED AS IS _____ APPROVED W/CHANGES _____ DENIED _____

DATE: _____ TOTAL FEE DUE: _____ PAID: _____ (CASH OR CHECK)

Contact Kittery Recreation at 207-439-3800 for more information.

*wait for
Town Council approval 8/18/14*

KITTERY
RULES AND REGULATIONS FOR FIELD USE

A. STATEMENT OF PURPOSE

Memorial, Shapleigh, Emery, and Frisbee Fields are athletic, recreational facilities which have been established for the use of resident athletic leagues and organized groups from the Town of Kittery. These fields may be used by such groups for sports or other activities as may be supported by the available facilities. As of 1998 the usage of Kittery's athletic fields exceeded the ability of the turf grass to regenerate itself under the present intensity and scheduling of programs. Soccer, football, baseball, and field hockey programs may not be expanded until adequate facilities become available.

Use of the fields for activities not athletic in nature, or by mixed/resident or non-resident groups shall be at the discretion of and permission from the Town Manager or Town Council depending on the size of the gathering.

B. SCHEDULING

1. All Town athletic fields will be scheduled through the Recreation Department.
2. Town resident athletic leagues or groups such as the School Department, Little League and others approved by the Town Manager shall have scheduling priority.
3. Mixed resident/non-resident or non-resident athletic associations or leagues may not use Kittery field until adequate facilities become available.
4. One time use of a field to an organized group, 100 people or less, may be granted by the Town Manager provided all terms of Section D "Group or Team Use of Athletic Fields" are satisfied.

C. GENERAL RULES

1. No vehicles, horses or dogs are permitted on any town field.
2. Alcoholic beverages are not allowed on any town field.
3. The group or team representative must assure that all trash is removed when an event is completed.
4. Gates must be locked upon leaving all facilities.
5. Key must be returned after your scheduled activity is completed.
6. Practicing of golf on the field areas is not permitted at any time.
7. Operation of mini-bikes, trail bikes, snowmobile or similar vehicles is prohibited within field areas. Registered vehicles may be parked in parking areas, but not operated within the field expect for entering and exiting.
8. Speed limit within the field area shall not exceed 5 miles per hour.
9. Parking of automobiles is to be confined to parking lots only.
10. Practice sessions for any sport or open play will not be allowed to interfere with a previously scheduled activity.
11. Use of all fields must stop at sunset.
12. Football, soccer, and field hockey practice sessions are to be kept at a minimum on fields used for competition. Games take precedence over practice.

13. Soccer goals must be moved out of the lined game field for practices.
14. A maintenance service contract must be implemented for portable toilets with a copy of the agreement submitted to the Park's Division.
15. Baseball use at Shapleigh Field is restricted to girl's softball, t-ball, or little league ages.
16. Any injuries requiring professional medical attention shall be reported to the Recreation Director including a written account of the incident.
17. Problems or concerns for field maintenance shall be reported to the Commissioner of Public Works.
18. The Department of Public Works may cancel a reservation of any field up to six hours prior to a scheduled activity if for any reason the area is not in a playable condition.

D. GROUP OR TEAM USE OF ATHLETIC FIELDS

1. A permit application must be completed and submitted to the Recreation Department for their review and approval.
2. The group representative must retain a signed copy of the approved permit as proof of reservation.
3. Field reservations:
 - a. Town sponsored or resident affiliated groups under 100 people.
 - (1.) Must include the field location, day and time schedule;
 - (2.) The name, address, and telephone number for the group representative as well as an alternate representative contact; and
 - b. Mixed resident/non-residents or non-resident groups.
 - (1.) A certificate of insurance with a minimum \$300,000 coverage must accompany the request;
 - (2.) Must include the field location, day and time schedule;
 - (3.) A list of participants with their name, address, and telephone number;
 - (4.) The name, address, and telephone number for the group representative as well as an alternate representative contact;
 - (5.) Group fees.
 - (a.) 0-25 people for 3 hours or less at \$150.00 and \$50.00/hour for any additional time;
 - (b.) 26-50 people for 3 hours or less at \$225.00 and \$75.00/hour for any additional time;
 - (c.) 51 to a maximum of 100 people for 3 hours or less at \$300.00 and \$100./hour for any additional time;
 - (d.) A group of 100 or less people must provide a very specific description of the activity or use and shall require review and approval by the Town Manager;
 - (e.) Groups or gatherings, over 101 people require Town Council approval;

- (6.) All fees are due at least ten (10) days prior to an event and will not be refunded unless the activity is canceled six (6) hours in advance by the Department of Public Works; and
- (7.) A security deposit for damages may be required by and in amount thereof as determined by the Recreation Director.

E. MISCELLANEOUS RULES

1. The Maintenance of all Town Fields shall be done by the Parks Department.
2. The field house at Memorial Field will be used and maintained by the School Department. The Recreation Department and Little League will be issued the keys for restroom use.
3. The garage at Memorial Field is for the use of the Parks Department for the storage of vehicles, equipment and other materials.
4. The Little League fields are maintained by the Kittery Little League and are the exclusive responsibility of said League. All upkeep, maintenance or other activities shall be taken care of by that League.

Jeremy Paul, Assistant Director
Kittery Recreation Department

RE: **Memorial Field, 70 Old Post Rd, Kittery, ME (main field and both parking lots)**

Hi Jeremy,

Thank you so much for meeting with me today. As I mentioned, we love to begin our walk at Memorial Field, we would need to permit the site for Thursday, June 25, 8am-5pm and Friday, June 26, 4:30am-12pm, 2015. Attached is the permit application. We are eager to get the process moving forward.

A bit about the Charity Defense Council:

Our goal is singular and bold: to change the way people think about changing the world. To let them know that low overhead is not the way the world gets changed. That poor executive compensation is not a strategic plan for ending hunger and poverty or curing disease. That inadequate, donated resources are not the path to global transformation.

The Charity Defense Council has five functions:

1. Anti-Defamation Force
2. Brave and Daring Public Ad Campaigns
3. Legal Defense Fund
4. National Civil Rights Act for Charity and Social Enterprise
5. Organize Ourselves

By doing these five things in a beautiful synchronicity we can change the way the public thinks about charity.

We have a broad range of Non-Profits on our advisory board:

United Way Worldwide

Boys and Girls Club of America

Goodwill Industries International

Please check out our website at www.charitydefensecouncil.org for more information.

If you have any questions, please do not hesitate to contact me at 617.821.8536.

Best,

Michelle F. Harper, Logistics Director
Charity Defense Council
michelle@charitydefensecouncil.org
617.821.8536

August 14, 2014

Jeremy Paul, Assistant Director
Kittery Recreation Department
120 Rogers Rd, Kittery, ME

RE: Memorial Park, 70 Old Post Rd, Kittery, ME - Charity Defense Council March

Hi Jeremy,

Per our conversation, below are details about the march. As I mentioned, we would love to begin our journey at Memorial Park.

The Charity Defense March is a three day walk. We will start out in Kittery, ME and end in Salem, MA. The participants will be walking a total of 60 miles. Each day consists of 20 miles of walking with rest stops every 2-3 miles along the route. Not only will these inspiring participants walk 60 miles, they will also be raising funds for the Charity Defense Council. This march is for anyone and everyone working in the charitable sector from executive directors to social workers and for anyone who supports them.

We will camp out at another location Friday, June 26 and Saturday, June 27, 2015. Participants will be raising funds to support the Charity Defense Council (www.charitydefensecouncil.org).

I'm requesting permission to use Memorial Park, starting Thursday, June 25th (8am-5pm) and then Friday, June 26, 2015 (4:30am-12pm).

The park would be set up for our Opening Ceremonies. On Thursday, July 25, 2015, we will begin setting up the 20x20 tents (approximately three), platform stage, sound system (for voice over and light music), portable toilets and water stations. We will also have event vehicles (6-cars, 2-24' trucks, 3-Passenger Vans and 3 Mini Vans).

The actual ceremony will begin at 7am on Friday, June 26, 2015 and will last approximately 1 hour. Participants will start arriving around 5:00am. Once the participants are on the road, we have a team to break down and clean up the park. Portable toilets, stage and tent will be removed from the site.

Thank you so much for your time and consideration.

Best,

Michelle F. Harper, Logistics Director
Charity Defense March
Charity Defense Council
617-821-8536
michelle@charitydefensecouncil.org